

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
NORFOLK DIVISION**

CENTRIPETAL NETWORKS, LLC,	)	
	)	
Plaintiff,	)	
	)	Case No.: 2:18-cv-00094-EWH-LRL
v.	)	
	)	
CISCO SYSTEMS, INC.,	)	
	)	
Defendant.	)	
	)	
_____	)	

**PLAINTIFF CENTRIPETAL NETWORKS, INC.'S MEMORANDUM IN OPPOSITION TO  
MOTION FOR EXPEDITED  
BRIEFING AND HEARING ON CISCO'S MOTION TO SEVER |  
AND STAY THE CASE AS TO U.S. PATENT NO. 9,917,856**

Centripetal Networks, LLC (“Centripetal”) respectfully requests that the Court deny Cisco, Inc.’s (“Cisco”) motion to expedite briefing on its motion to stay and sever the case for U.S. Patent No. 9,918,856 (“the ‘856 Patent”) (“Motion to Stay”). There are compelling reasons against expediting the briefing and ruling on Cisco’s Motion to Stay, including the fact that it would be unduly prejudicial to Centripetal if it is not permitted sufficient time to prepare its opposition to Cisco’s Motion to Stay, which raises a number of new arguments that were not briefed in Cisco’s previous motion to stay. *See* Dkt. No. 665.

First, there is no real urgency. There is sufficient time in the schedule for Cisco’s Motion to Stay to be heard before the Rule 63 Hearing on June 22, 2023 under the Court’s normal briefing schedule. As Cisco notes, the briefing will be complete over a week before the Rule 63 Hearing begins. Thus, the Court will have sufficient time to rule on Cisco’s latest Motion to Stay. Furthermore, the *inter partes* review proceedings before the Patent Trial and Appeal Board (“PTAB”) are not completed yet. Centripetal has various options before the PTAB after issuance of the Final Written Decision, including a request for rehearing and a precedential opinion panel review. It is premature for Cisco to assume that all rulings from the PTAB have been completed.

Cisco’s only basis for expediting that Cisco provided was that the parties’ renewed Proposed Findings of Fact and Conclusions of Law are due on June 9<sup>th</sup>, which, under Cisco’s proposed expedited schedule, is only a few days after the Court would issue a ruling. Thus, the parties will have already completed most of their work on this pleading, leaving little efficiency if the ‘856 Patent were excluded. A change in the scope of the proceedings would require the

parties to create more work, as the parties would have to quickly attempt to revise their respective pleadings.

Second, Cisco's request to expedite is prejudicial to Centripetal, who should be allotted time to address Cisco's Motion to Stay, which raises new arguments that were never previously briefed with respect to the '856 Patent, such as issues of collateral estoppel. Reducing Centripetal's time responding to these is particularly prejudicial, as the Motion to Stay was filed just before a holiday weekend.

For the foregoing reasons, Centripetal asks that the Court deny Cisco's Motion to expedite briefing on its Motion to Stay.

Dated: May 26, 2023

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I hereby certify that on May 26, 2023, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will automatically send notification of electronic filing to counsel of record.

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